SLR:LDM:BGK
F.#2014R00552

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

GREGORIO GIGLIOTTI,

Defendant.

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PRELIMINARY
ORDER OF FORFEITURE

15-CR-204 (S-2)(RJD)

WHEREAS, on or about July 22, 2016, GREGORIO GIGLIOTTI (the "defendant"), was convicted after a jury trial of Count One through Five of the above-captioned superseding indictment, charging violations of 21 U.S.C. §§ 841(b)(1)(A)(ii)(II), 846, 952(a),960(a)(1), 960 (b)(1)(B)(ii), and 963, Count Six of the above-captioned superseding indictment, charging a violation of 18 U.S.C. § 924(c)(1)(A)(i), and Count Seven of the above-captioned superseding indictment, charging a violation of 18 U.S.C. § 922(k); and

WHEREAS, pursuant to 21 U.S.C. §§ 853(a) and 970, the defendant consents to the forfeiture of all right, title and interest in the following assets:

i. One hundred thousand four hundred ninety-nine dollars and zero cents ($100,499.00), more or less, in United States currency;

ii. Two hundred twenty dollars and zero cents ($220.00), more or less, in United States currency;

iii. Two hundred seventy-nine dollars and zero cents ($279.00), more or less, in United States currency;

iv. One Colt .357 caliber revolver, serial number J76276;

v. One Colt .22 caliber revolver, serial number 79386;

vi. One .762 caliber handgun, serial number E12808;

vii. One Keltec P-11 nine millimeter handgun, serial number 59312;

viii. One .38 caliber "derringer" style handgun, serial number unknown;

ix. One Charter Arms .38 caliber handgun, serial number 995127;

x. One 12-gauge shotgun, serial number 172729;

xi. One unknown caliber handgun magazine;

xii. Three 9-millimeter handgun magazines;

xiii. One .32 caliber handgun magazine;

xiv. One .22 caliber handgun magazine;

xv. Twenty-five 12-gauge shotgun shells;

xvi. Eight unknown caliber rounds (ammunition);

xvii. Fifty 9-millimeter rounds (ammunition);

xviii. One hundred and ten .22 caliber rounds (ammunition);

xix. Six .357 caliber rounds (ammunition);

xx. Seven .38 caliber rounds (ammunition);

xxi. Fifty .32 caliber rounds (ammunition);

xxii. One set of "brass knuckles";

xxiii. One automated money counter ,

all seized on or about March 11, 2015 from 51-01 108th Street, Corona, New York; and

i. Four thousand dollars and zero cents ($4,000.00), more or less, in United States currency;

ii. Fourteen thousand six hundred and seventy-five dollars and zero cents ($14,675.00), more or less, in United States currency;

iii. One Llama .45 caliber handgun, serial number A42445;

iv. One .45 caliber handgun magazine;

v. Seven .45 caliber rounds (ammunition);

vi. Nineteen .357 caliber rounds (ammunition),

all seized on or about March 11, 2015 from 32 Center Drive, Whitestone, New York; and

i. Five thousand two hundred one dollars and zero cents ($5,201.00), more or less, in United States currency; and

ii. One 2010 Mercedes-Benz Model ML350 Sport Utility Vehicle (SUV), New York State vehicle registration number GBP7112, vehicle identification number 4JGBB8GB8AA622118

all seized on or about March 11, 2015 from 2200 Northern Boulevard, East Hills, New York; and

i. the Real property located at 51-01 108th Street, Corona, New York 11368, designated as Block 2007, Lot 99 on the Queens County Tax Map;

(collectively, the "Forfeitable Property"), as: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offense; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense; and/or (c) as substitute assets pursuant to 21 U.S.C. § 853(p).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Pursuant to 21 U.S.C. §§ 853(a), 853(p), and 970, the defendant shall forfeit to the United States the full amount of one million six hundred fifty-two thousand dollars and zero cents ($1,652,000.00) (the "Forfeiture Money Judgment"), in addition to the Forfeiture Money Judgment and all right, title and interest in the Forfeitable Property. The forfeiture of the one hundred twenty-four thousand eight hundred seventy-four dollars and zero cents ($124,874.00), more or less, in United States currency already seized, shall be credited towards the Forfeiture Money Judgment. The Forfeiture Money Judgment described below shall be joint and several together with convicted co-defendants Eleonora Gigliotti and Angelo Gigliotti.

2. All payments made towards the Forfeiture Money Judgment shall be made by a money order, or a certified or official bank check, payable to the "United States Customs and Border Protection." with the criminal docket number noted on the face of the check. The defendant shall cause said check to be delivered by overnight mail to Assistant United States Attorney Brendan G. King, United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201. The Forfeiture Money Judgment shall be paid in full on or before the date of the defendant's sentencing (the "Due Date"). If the Forfeiture Money Judgment is not paid in full on or before the Due Date,

interest on the Forfeiture Money Judgment shall accrue at the judgment rate of interest, as set forth in 18 U.S.C. § 3612(f)(2).

3. Upon entry of this Order, the United States Attorney General or his designee is authorized to seize the Forfeitable Property and to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c), and to commence any applicable proceeding to comply with statutes governing third-party rights, including giving notice of this Preliminary Order.

4. The United States shall publish notice of this Preliminary Order, in accordance with the custom and practice in this district, on the government website www.forfeiture.gov, of its intent to dispose of Forfeitable Property in such a manner as the Attorney General or his designee may direct. The United States may, to the extent practicable, provide direct written notice to any person known or alleged to have an interest in the Forfeitable Property as a substitute for published notice as to those persons so notified.

5. Any person, other than the defendant, asserting a legal interest in the Forfeitable Property may, within thirty (30) days of the final publication of notice or receipt of notice, or no later than sixty (60) days after the first day of publication on an official government website, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his or her alleged interest in the Forfeitable Property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n)(6). Any petition filed in response to the notice of forfeiture of the Forfeitable Property must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title and interest in the property, the time and circumstances of the petitioner's

acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and relief sought.

6. The defendant shall not file or interpose any claim or assist others to file or interpose any claim to the Forfeitable Property or to any assets against which the United States seeks to enforce the Forfeiture Money Judgment in any administrative or judicial proceeding. The defendant shall fully assist the government in effectuating the surrender and forfeiture of the Forfeitable Property and the payment of the Forfeiture Money Judgment to the United States. The defendant shall take whatever steps are necessary to ensure clear title to the Forfeitable Property passes to the United States, including the execution of any and all documents necessary to effectuate the surrender and forfeiture of the Forfeitable Property to the United States. If the Forfeitable Property or Forfeiture Money Judgment, or any portion thereof, is not forfeited to the United States, the United States may seek to enforce this Preliminary Order against any other assets of the defendant up to the value of the Forfeitable Property and the outstanding balance of the Forfeiture Money Judgment, pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Procedures Act, or any other applicable law.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order shall become final at the time of the defendant's sentencing and shall be made part of the defendant's sentence and included in his judgment of conviction. If no third party files a timely claim, this Preliminary Order, together with Supplemental Orders of Forfeiture, if any, shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2). At

that time, the properties forfeited herein shall be forfeited to the United States for disposition in accordance with the law.

8. The United States alone shall hold title to the monies paid by the defendant to satisfy the Forfeiture Money Judgment following the Court's entry of the judgment of conviction. The United States alone shall hold title to the Forfeitable Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2).

9. The forfeiture of the Forfeitable Property and the entry and payment of the Forfeiture Money Judgment shall not be considered a payment of a fine, penalty, restitution loss amount, or any income taxes that may be due, and shall survive bankruptcy.

10. This Preliminary Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

11. This Preliminary Order shall be binding only upon the Court "so ordering" the order.

12. The Court shall retain jurisdiction over this action to enforce this Order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

13. The Clerk of the Court is directed to send, by inter-office mail, five (5) certified copies of this executed Order to FSA Paralegal Kristen Lake, United States

Attorney's Office, Eastern District of New York,610 Federal Plaza, Central Islip, New York 11722.

Dated: Brooklyn, New York
__________________, 2017

SO ORDERED:

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HONORABLE RAYMOND J. DEARIE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK